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CA Agencies

Use of WSDOT/APWA Standard Specifications

A letter dated August 1, 2002, a reiteration of a November 26, 1997 letter, was sent to all CA agencies reminding you that WSDOT's stewardship agreement with FHWA is based on using the approved WSDOT/APWA Standard Specifications. As stated in the August 1, 2002 letter, we have become aware that again some CA agencies, contrary to our agreement with FHWA, are either developing their own Standard Specifications or substantially modifying the WSDOT/APWA Standard Specifications for federally funded projects. That letter generated a significant number of questions and this is to restate and clarify further, and to rescind and replace the August 1, 2002 letter.

The intent of the restriction on "changing the standard specifications" is to assure that contractors across the state have clear consistent guidance within those specifications and that they remain standard. Specifically in Division 1, it was agreed many years ago among the local agencies, WSDOT, FHWA and the contracting community that it would be held to the highest standard. WSDOT drafted Division 1 with the oversight of many agencies, and with multiple reviews by our best legal experts, to assure that conflicts within them are eliminated, and that they reflect both current law and legal precedence. Division 1 provisions are contract case law tested and well understood in the transportation community. Changes to this section have a very high risk of creating conflicts both internal to the specs and with legal requirements.

For a number of years, it has been recognized that there are differences between local agency and WSDOT projects. These differences point out the need for supplemental specifications for local agency projects. To accommodate these differences, FHWA agreed to allow local agencies to develop a set of supplemental specifications, called Division 1-99. There is considerable flexibility of what can be contained within these standards, but there is a necessity that they are consistent on a statewide basis. To accomplish this, the APWA Construction Standards Subcommittee, agreed to provide the forum for discussion and adoption of this standard specification supplemental language.

Division 1-99 constitutes a pre-approved set of supplements that may be used in its entirety or in selected portions as appropriate to the specific contract to replace standard Division 1 sections. Please read the introductory paragraph on page 1-109 of the Standard Specifications to clarify its intended use.

Therefore, the following language constitutes directive on the use of the Standard Specifications as approved by FHWA.

On federal aid projects, any revisions to Division 1 of the Standard Specifications require prior written approval. Failure to utilize this standard or approved revision jeopardizes federal funding under the stewardship agreement. (Note: obtaining approval of a revision from the standard is a lengthy process, and could take a significant amount of time to complete.)

WSDOT is currently revising Section 1-10 Temporary Traffic Control, and plans to have a draft available in April 2003 for review. We also understand that there may be additional elements contained in Division 1 that local agencies may want WSDOT to consider revising. In order to do so, Highways and Local Programs needs to engage the experts to assure that we don't create a problem that we simply didn't have enough information to be aware of. That is the purpose of the APWA Standards Committee and our intent is to continue to use them. All we need is to identify those elements that cause agencies concern and we will assure that the Division 1-99 Sub Committee receives that information and considers appropriate changes.

In Divisions 2 - 9, it is understood that there may be unique situations with materials, local conditions, or items that aren't adequately addressed, and that those items may be supplemented in the contract provisions through the use of special provisions. Special provisions pertaining to Divisions 2 - 9 do not require HQ/FHWA approval.

This position of uniformity will be unpopular with some of you. Some agencies have argued that their particular approach is better than other local agencies approaches. However, just as those cost savings in standardization of design standards, design details, and product specifications, there is also financial benefit for uniformity in standard specifications. It has been the consensus of local agencies that the approach of working together to develop language acceptable to local agencies and thus providing a consistent standard for use by all local agencies, was not only cost effective in terms of development costs and attorney reviews, but also lowest costs as far as subsequent claims, lawsuits, attorney fees and better communication with contractors. The contracting community has consistently asked that specifications remain standardized, regardless of the project sponsor, so that they do not have to deal with numerous differences that could affect their bidding and efficient performance of the contractual work.

As long as the APWA subcommittee is willing to undertake this activity, we plan on continuing to utilize their assistance in being the forum for reconciliation of various points of views.

I encourage you to continue to work with the APWA Construction Standards Committee to develop standard specification supplemental language that you believe is necessary. Mr. Jerry Brais at King County is the current committee chair, and would welcome your participation. You may contact Mr. Brais at (206) 296-8299 or by email at


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Jerry.Brais@metroKC.org. The chair of the 1-99 subcommittee is Kristina Nelson at the City of Tacoma. Tina can be reached at (253) 591-5787 or by email at KNelson@ci.tacoma.wa.us.

It is our hope that the subcommittee can respond quickly to your various concerns, get revised language developed and approved so that by contract time next Spring the changes that are critical to construction activities, are incorporated in this chapter.

If you have any questions or suggestions, feel free to call Al King of my staff, at 360-705-7375.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen B. Davis', with a stylized, cursive script.

Kathleen B. Davis
Director
Highways & Local Programs Division

KBD:aok:ac

cc: Walt Olsen, CRAB

Jim Seitz, AWC

Jerry Brais, APWA Construction Standards Committee

Kristina Nelson, APWA Construction Standards Committee

Region H&LP Engineers